



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,374	01/23/2007	David M. Sutton	KPT 1101	6215
321	7590	03/10/2010		
SENNIGER POWERS LLP 100 NORTH BROADWAY 17TH FLOOR ST LOUIS, MO 63102				EXAMINER VALENROD, YEVGENY
		ART UNIT 1621		PAPER NUMBER ELECTRONIC
NOTIFICATION DATE		DELIVERY MODE		
03/10/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspatents@senniger.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/577,374	<b>Applicant(s)</b> SUTTON ET AL.
	<b>Examiner</b> YEVEGENY VALENROD	<b>Art Unit</b> 1621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 29 October 2009.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-3,5-7,9-19 and 22 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 1,3,7,9-13 and 15-19 is/are allowed.  
 6) Claim(s) 2,5,6,14 and 22 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

Rejection of claims 1-3, 5, 6, 9-15 and 20 under 35 USC 103(a) over Mims is withdrawn in view of applicants' amendments and remarks.

Rejection of claims 1-3, 5, 10-12 and 16-21 under 35 USC 103(a) over Cooley in view of Turner and Mims is withdrawn in view of applicants remarks and amendments.

Rejection of claims 1, 2, 5, 6, 7, 9-15 and 20-22 under 35 USC 103(a) is withdrawn in view of applicants' amendments and remarks.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 recites the limitation "the present invention" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim. Claim 1 fails to define the term "process of the present invention" It is unclear if the term refers to the invention of claim 1 or to various embodiments recited in the specification.

Claim 5 recites the limitation "the feed in step (a)" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim. Step (a) in claim 1 does not recite "a feed".

Claim 6 recites the limitation "the acid feed" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim. Step (a) in claim 1 does not recite "an acid feed".

Claim 14 recites the limitation "second step of the esterification" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim. Claim 1 describes the esterification as being a two stage esterification. Limitations directed to the steps involved in the esterification are recited in claim 1.

Claim 22 recites the limitation "the maleic acid feed" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim. Claim 1, from which claim 22 depends, fails to recite "a maleic acid feed".

***Conclusion***

Claims 1-3, 5-7, 9-19, 22 are pending.

Claims 2, 5, 6, 14, 22 are rejected

Claims 1, 3, 7, 9-13 and 15-19 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yevgeny Valenrod whose telephone number is 571-272-9049. The examiner can normally be reached on 8:30am-5:00pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Sullivan can be reached on 571-272-0779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yevgeny Valenrod/

---

Yevgeny Valenrod  
Patent Examiner  
Technology Center 1600

/Daniel M Sullivan/

Supervisory Patent Examiner, Art Unit 1621

Application/Control Number: 10/577,374  
Art Unit: 1621

Page 5